

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

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In Re:)
)
AREDIA and ZOMETA PRODUCTS LIABILITY)
LITIGATION) No. 3:06-MD-1760
(MDL No. 1760)) Judge Campbell
) Magistrate Judge Brown
This Document Relates to:)
Frank Benabise, Sr., Case No. 3:07-CV-00572)
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**MOTION FOR SUBSTITUTION FILED ON BEHALF
OF PLAINTIFF FRANK BENABISE, Sr.**

The personal representative of Frank Benabise, Sr. moves the Court to substitute him as Plaintiff in this civil action as follows:

Frank Benabise, Sr. :

1. Frank Benabise, Sr. passed away on August 22, 2008. A Suggestion Of Death was filed on July 8, 2010 (DE 3362; Related case DE 18).
2. Under Hawaii law, the claim of Frank Benabise, Sr. survives to his personal representative.
3. Mr. Benabise's personal representative is his son Frank Benabise, Jr.
4. Based on the foregoing, the Court should enter an Order substituting Frank Benabise, Jr. as the personal representative of the Estate of Frank Benabise, Sr. , deceased, in place and instead of Frank Benabise, Sr. .

Dated: New York, New York
September 16, 2010

OSBORN LAW, P.C.

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ORDER
Motion Granted
/S/ Joe B. Brown
JOE B. BROWN
Magistrate Judge